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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Dana Corbo
Serial No. : 09/889,711 09/899,711
For : **A METHOD AND SYSTEM FOR PROVIDING
REAL TIME SPORTS BETTING
INFORMATION**
Filed : July 5, 2001
Examiner : Corbett B. Coburn
Art Unit : 3714

Twelve East 41st Street
Suite 701
New York, NY 10017
Tel. (212) 532-8585

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, Reg. No.

Name of Applicant, Assignee or Registered Representative

Dana Corbo
Signature

2/17/05

Date of Signature

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Adjustment date: 04/25/2005 LTHOMPS1
01/07/2005 AWONDAF1 00000037 09889711
01 FC:2801

-395.00 OP

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04/25/2005 LTHOMPS1 00000002 09899711
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

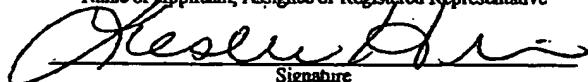
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Name of Applicant, Assignee or Registered Representative


Signature

Date of Signature

RESPONSE TO FINAL OFFICE ACTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

REMARKS

On February 4, 2005, Applicant received a Notice of Abandonment for Application No. 09/899,711 on the grounds that Applicant failed to timely file a proper reply to a Final Office Action mailed July 13, 2004. This Notice, however, was mailed in error because Applicant timely replied to the Final Office Action on October 13, 2004 with a postcard receipt of October 18, 2004. Applicant, also, timely filed an RCE for this application on December 30, 2004 with a postcard receipt of January 3, 2005.

Applicants have attached to this Petition the above-mentioned postcard receipts thereby establishing that a timely reply was filed. That is, these postcard receipts properly identify both replies and provide *prima facie* evidence that the replies were timely filed.

Also attached to this Petition is a true copy of (1) a Response To Final Office Action (2) a Declaration Under Rules 132 and 116 with attached exhibits (c) an RCE and (4) an Express Mail Receipt for the RCE.

Please Note, MPEP 711.03(c) set forth that "if the application has been held abandoned for failure to file a reply to a Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt."

Accordingly, Applicant hereby requests that the February 4th Notice of Abandonment be withdrawn.

CONCLUSION

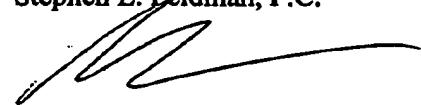
If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner's consideration of this matter is gratefully acknowledged.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,
Stephen E. Feldman, P.C.

By:



Stephen E Feldman
Reg. No. 22,473
(212) 532-8585

REMARKS

This is a response to the Final Action dated July 13, 2004.

Claims 1-3, 5-8, 10-19, 21-24 and 26-29 were pending in the application. In the Final Action, claims 1-3, 5-8, 10-19, 21-24 and 26-29 were rejected. Applicant has provided an Affidavit which overcomes the Examiner's rejections to claims 1-3, 5-8, 10-19, 21-24 and 26-29. Claims 1-3, 5-8, 10-19, 21-24 and 26-29 thus remain for consideration.

Applicant submits that the application is now in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

Objection to Drawings

The objection to the drawings is noted and corrected in accordance with the drawing change submitted herewith.

The drawing were objected to because (a) of poor line quality and (b) having solid black portions. Applicant has supplied Examiner with replacement drawings in which the above objections were corrected.

§103 Rejections

Claims 1-3, 6-8, 11-13, 22-24, 27 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best Sports (hereinafter "Don Best I") in view of Brenner et al. (USPN 5,830,068).

Claims 5, 10, 21, 26 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best I and Brenner et al. (USPN 5,830,068) as applied to claim 1, 6, 11, 22 or 27 above, and further in view of Zinda et al. (USPN 6,393,437).

Claims 14-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Don Best I and Brenner et al. (USPN 5,830,068) as applied to claim 11 above, and further in view of the Human Factors Design Guide.

Applicant submits that the independent claims (claims 1, 6, 11, 22 and 27) are patentable over Don Best I, Brenner, Zinda and the Human Factors Design Guide.

In Examiner's rejections, the Examiner relies upon Don Best I for the features of "downloading and storing to the user's computer information about occurrences in connection with odds, [and] analyzing the information." (See Final Office action, Page 3, lines 5-7).

As noted in the enclosed declaration, Don Best I does not provide means for downloading and storing, on the user's computer, information about occurrences in connection with odds and analyzing the downloaded information.

Additionally, neither Brenner, Zinda nor the Human Factors Design Guide disclose means for downloading and storing, on the user's computer, information about occurrences in connection with odds and analyzing the downloaded information

Since none of the cited references disclose means for downloading and storing, on the user's computer, information about occurrences in connection with odds and analyzing the information, Applicant believes that claims 1, 6, 11, 22 and 27 are patentable over Don Best I, Brenner, Zinda and the Human Factors Design Guide – taken either alone or in combination – on at least this basis.

Claims 2, 3 and 5 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2, 3 and 5 are believed to be patentable over the cited references on the basis of their dependency on claim 1.

Claims 7, 8 and 10 depend on claim 6. Since claim 6 is believed to be patentable over the cited references, claims 7, 8 and 10 are believed to be patentable over the cited references on the basis of their dependency on claim 6.

Claims 12-19 and 21 depend on claim 11. Since claim 11 is believed to be patentable over the cited references, claims 12-19 and 21 are believed to be patentable over the cited references on the basis of their dependency on claim 11.

Claims 23, 24 and 26 depend on claim 22. Since claim 22 is believed to be patentable over the cited references, claims 23, 24 and 26 are believed to be patentable over the cited references on the basis of their dependency on claim 22.

Claims 28 and 29 depend on claim 27. Since claim 27 is believed to be patentable over the cited references, claims 28 and 29 are believed to be patentable over the cited references on the basis of their dependency on claim 27.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

CONCLUSION

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

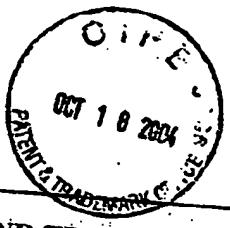
The Examiner's consideration of this matter is gratefully acknowledged.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,
Stephen E. Feldman, P.C.

By:


~~Stephen E Feldman~~
Reg. No. 22,473
(212) 532-8585



RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The Official Stamp of the United States Patent and Trademark Office hereon indicated that
the RESPONSE TO FINAL OFFICE ACTION, DECLARATION, AND EXHIBITS, and
CERTIFICATE OF MAILING, in re:

Applicant: Dana Corbo
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DECLARATION UNDER RULES 132 AND 116(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Dana Corbo declares:

1. I am the inventor of the above patent application.
2. I invented both the present invention and the prior art system, Don Best I.
3. Don Best I was first published in 1991. (Exhibit 1)
4. The present invention was first published in August of 2000 under the name DBS2K.
(Exhibit 1).
5. The differences between Don Best I and the present invention are as follows:
 - a) The prior art system was in a Java format.

- b) The original prior art system was a direct dial-up connection to Don Best's network and server.
- c) The Java format would not permit information to be downloaded and saved on a user's computer.
- d) The Java system did not have a bet tracker, line seeker alert or the major line move alert. (Exhibit 2).
- e) The present invention uses C++ format.
- f) The present invention allows information to be downloaded on a user's computer.
- g) The present invention has a bet tracker, line seeker alert and the major line move alert. (Exhibit 2).
- h) The present invention allows a user to customize a program, so that an alert will be given when a predetermined occurrence takes place.
- i) The above alerts are in the form of e-mails, cell phone messages and/or audio and visual alerts on the user's computer.
- j) These alert features have been significant in the commercial success of the present invention.

6. The undersigned declares that all the statements made herein are of his own knowledge and are believed to be true, and further that these statements were made with the knowledge that the willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Dana Corbo

Date: September , 2004

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Member Links

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Free IE vs. JE Platinum vs. Premium Service - Java Version vs. DBS2k

(Click on the Service Type at the top to see all the features available on it.)

ISLAND EXPRESS

Log in: Platinum | Free
Platinum subscription
Free subscription
Sports Books
System Requirements
Platinum Help
Free IE Help

SERVICES

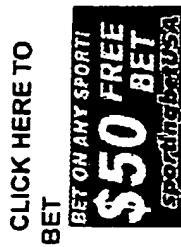
Premium Service
Island Express
Phone Services
Radio Show

| | <u>Premium Service</u> | <u>DBS2K</u> | <u>Java</u> | <u>Platinum</u> | <u>Island Express</u> |
|-------------------------|------------------------|------------------|-------------------------------------|--------------------|-----------------------|
| <u>Picks</u> | | Live Odds | Real-Time | Every 2 minutes | Free |
| <u>Odds</u> | | Live Scores | Real-Time | Every 2 minutes | Every 5 minutes |
| <u>Scores</u> | | Sports Books | Vegas and Offshore | Vegas and Offshore | Every 5 minutes |
| <u>Compare Services</u> | | Line Seeker | Available | N/A | Vegas and Offshore |
| <u>Member Links</u> | | Line Move Alerts | Available | N/A | N/A |
| | | Bet Tracker | Available | N/A | N/A |
| | | Zoom Options | Multiple Options | One Option | One Option |
| | | | Game-by-Game or Auto-Scroll feature | | |
| | | Scroll Feature | | Page-by-Page | Page-by-Page |
| | | Custom Lines | 3 columns | N/A | N/A |
| | | Matchups | Game-by-Game | Full Schedule | Full Schedule |
| | | Injuries | Game-by-Game | Game-by-Game | Game-by-Game |
| | | | Real-Time | Real-Time | Every 2 minutes |

Sports Handicapping

| TOOLS | Weather | Real-Time | Real-Time | Real-Time |
|--|--|-----------------------------------|-----------------------------------|----------------------------------|
| <u>Free Pick</u> | Line History | Real-Time | Real-Time | Every 2 minutes |
| <u>Free Island Express</u> | Lineups | Real-Time | Real-Time | Every 2 minutes |
| <u>Free Schedule</u> | Umpires | Real-Time | Real-Time | Every 2 minutes |
| <u>Closing Lines</u> | Picks/Plays | Real-Time | Real-Time | Every 2 minutes |
| <u>Overnight Lines</u> | Misc. | All Info | Delayed | Delayed |
| <u>Archives</u> | | All Info | Most Info | Free Pick |
| <u>Transactions</u> | | | | N/A |
| <u>Sports Calendar</u> | Print | Fully Customizable | Fully Customizable | N/A |
| <u>TV Listings</u> | TV Stations | Real-Time | Real-Time | Available, without customization |
| | Custom Page | Available | Available | Every 2 minutes |
| | Custom Lines | 3 columns | N/A | N/A |
| | <u>Schedule</u> | up to 50 | up to 50 | N/A |
| | <u>Technical Support</u> | Telephone and Email | Telephone and Email | N/A |
| | <u>Pricing</u> | \$500/month (discounts available) | \$500/month (discounts available) | None |
| | | | | Email Only |
| | | | | Free |

*HTML version on Platinum Island Express is available for WebTV Users and PC Users with slow connections



| DON BEST TICKER | | |
|-------------------------------------|-------------------------------------|-------------------------------------|
| FB | BK | BBL HK |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | | |
| FINAL | | |
| 916 TEX | 9 | |
| 916 HOU | 7 | |
| FINAL | | |
| 917 CLE | 6 | |
| 918 COL | 4 | |
| FINAL | | |
| 919 OAK | 2 | |

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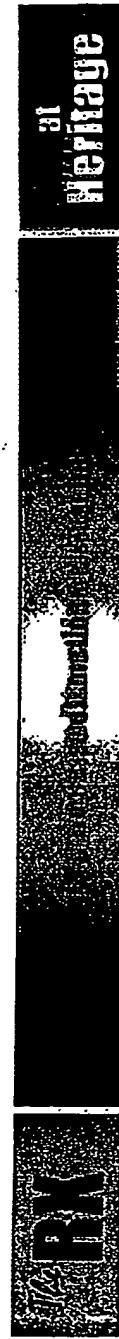
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[Scores](#)

[Odds](#)

Don Best Sports (DBS) was formed in 1991. The company's concept — a computerized service that transmitted sports odds — was appealing to local gamblers and sports services in Las Vegas. Line services and bettors alike saw an opportunity to cut costs by eliminating runners who phoned in changes as they occurred in local sports books.

The very first version of DBS featured odds from the Stardust, the Mirage and the Riviera Hotel sports books. Early subscribers were required to call in on a modem and retrieve the latest information. To receive another set of changes, customers had to dial up again and recognize which betting lines had moved since their last call. Little else was offered at that time.

In 1992, a new era in the sports betting industry unfolded. That was when Albert Corbo acquired the company from Don Bessette. Corbo, a gambler all his life, took a big chance by purchasing a company with a mere 35 subscribers.

Corbo envisioned endless possibilities. One of the very first ideas he implemented was transmitting live line updates. No longer was it necessary to call in on a modem. And shortly thereafter, scoring updates, injury reports, time changes and more sports books were added to the system.

**DON BEST TICKER**

| | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| FB | BK | BB | HK |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

| Scores 06/16/2002 | | | |
|--------------------|----|-----------------|----|
| 315 DAL DESPERADOS | 30 | 316 ATL RATTLES | 33 |
| FINAL | | | |
| 661 CHARLOTTE STN | 63 | 662 NY LIBERTY | 64 |

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But it was not until the following year that Corbo dreamed up his most significant concept. The idea was ingenious. Corbo added the first offshore sports book. Corbo knew he was taking a risk. But after all, taking risks was part of his nature.

DON BEST The immediate success of Corbo's new system was amazing, considering very little advertising was done. Corbo believed the DBS product spoke for itself. He was never spent much on marketing. Word of mouth was the only advertising DBS needed, and the business quickly boomed. Corbo's creativity and ambition paid enormous dividends.

New methods of transmitting information were implemented in the mid-90s as satellite technology eliminated the long distance telephone charges that out-of-state subscribers previously incurred. And in April, 1997, the DBS service was available via Internet.

Corbo was diagnosed with Cancer just four months later and died in October of the same year. Since his death, Al's son, Dana Corbo, has run the company. A practicing attorney in Miami for 10 years, Dana Corbo first came to Las Vegas in 1996.

DBS launched two new products in 1998. In January, *Island Express* was released. Only \$99 per month, IE featured prices from five offshore sports books – as well as the Stardust. By year's end, 17 offshore sports books were transmitting their odds onto the product.

In April, 1999, DBS began publishing what now universally is recognized as the official International Rotation. The Don Best Schedule releases six football, eight basketball and five baseball installments each year. More than 550,000 copies of each gridiron issue were printed for the 2000 season.

DBS brought even more diversity to the industry in 2000. A re-designed Web site, sports beeper and new version of the DBS premium service, DBS 2K, show the continuing growth of the company. DBS' presence on the World Wide Web now represents the chance for gaming enthusiasts to access IE (with odds from 25 sports books) at no cost. IE also offers two-minute updates on injuries, weather, time changes, wise-guy plays and game selections.

Currently, there are almost 30 sports books on the DBS system. Serious sports bettors know that information cannot be obtained any faster than from DBS. Whether it is line movement on a steam game or late-breaking news on a key injury, DBS always has the information first. The DBS staff is knowledgeable and always maintains an edge over its competition.

As its name implies, Don Best Sports simply is the best. To find out more information about DBS, call 1-800-DON-BEST.



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Send questions and comments to mail@donbest.com